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APPLICATION NO.	FI	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/917,111	07/27/2001		Daniel Albert Voce	40-E-01	40-E-01 9782	
28581	7590	04/05/2005		EXAMINER		
DUANE M	IORRIS L	LLP	BLOUNT, STEVEN			
PO BOX 52	03					
PRINCETON, NJ 08543-5203				ART UNIT	PAPER NUMBER	
				2661		

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		(4)					
	Application No.	Applicant(s)					
	09/917,111	VOCE ET AL.					
Office Action Summary	Examiner	Art Unit					
	Steven Blount	2661					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).					
Status							
1) Responsive to communication(s) filed on 13 No.	ovember 2001.						
2a) ☐ This action is FINAL . 2b) ☑ This	2a) ☐ This action is FINAL . 2b) ☑ This action is non-final.						
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is							
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.					
Disposition of Claims	,						
 4) Claim(s) 1 - 6 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw 5) Claim(s) 1 - 5 is/are allowed. 6) Claim(s) 6 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or 	vn from consideration.						
Application Papers							
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) access Applicant may not request that any objection to the conference of the c	epted or b) objected to by the Edrawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).					
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list of	s have been received. s have been received in Application ity documents have been received (PCT Rule 17.2(a)).	on No ed in this National Stage					
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal Pa						

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DETAILED ACTION

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,445,707 to luoras et al.

AAPA teaches, with respect to paragraph 2 of claim 6, transmitting ABR ATM data and its associated resources management cells over a satellite (spacecraft). See page 1, lines 18 – 20, and page 2, lines 18 – 20: "Resource management cells are interspersed with the data cells of the ATM source signal." AAPA also teaches, with respect to the last paragraph of this claim, that it is known in the art to mark the resource management cells with information regarding the presence of congestion before distributing them. See page 2, lines 28+. While AAPA does discuss the problem associated with simplistic switching capabilities aboard satellites resulting in their incapability of setting bandwidth control bits (page 4, lines 15 – 20), AAPA does not teach a solution to this problem to comprise determining spacecraft payload congestion data relating to services associated with and including, among others, ABR, and then transmitting this information to the source terminal, as required by lines 22 – 27 of this claim.

Application to the

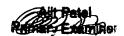
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luoras et al teaches a system including a spacecraft which transmits congestion information along a separate link to the terminals. See col 8 lines 30+, col 15 lines 65+, col 16 lines 60+, and the abstract. luoras et al teaches that this is done for ABR traffic 11 "and higher priority traffic" (col 17, lines 27+).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have transmitted congestion information relating to the spacecraft and transmitted it to the source terminal of AAPA in light of the teachings of luoras et al in order to provide a means for reducing congestion along the satellite link portion of the system.

- 3. Claims 1 5 are allowed.
- 4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Blount whose telephone number is 571 272 3071. The examiner can normally be reached on M-F 9:00 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Chau Nguyen, can be reached on 571 – 272 - 3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.



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5. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ajii Petal
Primary Examine

SB 3/31/05